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**Sent:** 3/8/2019 7:34:32 PM  
**To:** Greene, Nikia [Greene.Nikia@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Bohan, Suzanne [bohan.suzanne@epa.gov]; Thomas, Deb [thomas.debrah@epa.gov]; Hestmark, Martin [Hestmark.Martin@epa.gov]; Wardell, Christopher [Wardell.Christopher@epa.gov]; Mutter, Andrew [mutter.andrew@epa.gov]; Elsen, Henry [Elsen.Henry@epa.gov]; Vranka, Joe [vranka.joe@epa.gov]; Daryl Reed [dreed@mt.gov]; Karen Sullivan [ksullivan@bsb.mt.gov]; Eric Hassler [ehassler@bsb.mt.gov]; Barker, Jacqui [barker.jacqui@epa.gov]  
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**Subject:** Re: Westside Priority Soils OU Butte--Scope Deficient and Defective--Confusion Reigns

Thank you for your prompt response to some of my concerns. Regarding the boundaries of the Westside Soils OU, I found the following on the web link to which you directed me:

*EPA will be requesting access from property owners in the West Side Soils Operable Unit (WSSOU) study area to take photographs, and to collect soil, sediment, and/or water samples to characterize the contamination and environmental conditions. **Work will be focused on open (range) land areas west of Butte.***

(As an aside, how can EPA request access from the property owners in the West Side Soils OU if the dimensions of the OU have not as yet been determined. Sure sounds like the boundary has been already determined. Isn't EPA really thinking that WWSSOU will be the area west and north of the BPSOU?)

***The WSSOU is generally north and west of the Butte Priority Soils Operable Unit (BPSOU), but the boundary of the WSSOU is currently undetermined.** It includes mining-impacted areas not addressed by actions at other parts of the Superfund site. The WSSOU contains several hundred mine claims with smaller disturbances associated with exploration, as well as several larger abandoned mines.*

It seems from the above that the boundary IS north and west of the BPSOU. So is the position of EPA now that the area of Butte called the Flat and in particular the Greeley Neighborhood MAY become a recognized part of the Westside Soils OU? As I said earlier, EPA's position has been all over the place on this one. What will be the basis for determining whether or not the Flat and the Greeley Neighborhood will be an official part of Westside Soils? *The document that you told me to consult also states that the agency considers the Flat to be a low priority.* What is needed to make the Flat and the Greeley neighborhood part of the Westside Soils OU?

I think that even the agency would admit that the boundary between the BPSOU and the Greeley Neighborhood is arbitrary. Does the EPA contend that contamination stops at Continental Drive? Does the EPA contend that attics in the Greeley Neighborhood were not contaminated with smelter dust from the smelters operating in Butte and from the Anaconda Smelter. Isn't EPA aware that the arsenic found in attics in the Greeley Neighborhood is Trivalent Arsenic which is found in Smelter dust? My interpretation of the document you reference is that the west and north of BPSOU boundaries for Westside Soils may be adjusted slightly but are we to believe that the Greeley Neighborhood and the Flat could become part of the Westside Soils OU?

Why not plainly declare that the Greeley Neighborhood and the Flat will be made an official part of the Westside Soils site? EPA's changing positions on this make ones head spin. Will all the contradictory statements?

If not why not? If the Flat and Greeley are excluded, why? What compelling reason for such a decision can be advanced?

*My other concerns remain unanswered.*

Will RMAP be officially extended to the Greeley Neighborhood and the Flat? Isn't arsenic in smelter dust prevalent in the area south of Continental Drive?

How will environmental justice concerns be addressed in the Greeley Neighborhood? There is an environmental justice community there? EPA has been silent on this issue.

Will the proposed community involvement activities address inclusion of the Flat and the Greeley? What will be the goal and focus of this community involvement?

***Will these letters being sent to property owners for access contain a significant number of sites in the Greeley and the Flat? Are these letters going to be sent to a representative sample of property owners in the Greeley and the Flat? How many? How will it be determined who will get a letter?***

What protocol will be used to investigate the Greeley and the Flat? Hasn't EPA already made up its mind that the Greeley and the Flat don't merit inclusion in the Westside Soils Unit based on the information found on the site you directed me to read?

What sampling protocols will be used?

What data sets will be used?

My point is the same point I made earlier: Any cleanup of Butte that ignores the Greeley Neighborhood and the Flat will be seriously flawed and incomplete. In short, extend the WWSSOU to the Greeley Neighborhood and Flat, extend RMAP to the areas formally, address environmental justice concerns particularly in the Greeley and develop a robust community involvement plan.

Dr. John W. Ray

On Friday, March 8, 2019 11:43 AM, "Greene, Nikia" <Greene.Nikia@epa.gov> wrote:

John,

Please refer to the ads link [www.epa.gov/superfund/silver-bow-butte](http://www.epa.gov/superfund/silver-bow-butte) for more information. This was simply a notice for the community to be aware that Access request letters are going to be sent out and EPA is going to begin sampling efforts in the main study area and other areas. Nothing has been excluded and the WSSOU boundary is undetermined. At this point we are going to start to collect samples in the spring and fill data gaps.

Please give me a call if you have any questions.

Nikia Greene  
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**From:** John Ray <bodinman2003@yahoo.com>

**Sent:** Friday, March 08, 2019 9:45 AM

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**Subject:** Westside Priority Soils OU Butte--Scope Deficient and Defective--Confusion Reigns

I read the announcement in today's *Montana Standard* that the EPA is beginning the remedial investigation study for what will be called Westside Priority Soils. I also noticed that the area of this study will be west and north of the Butte Priority Soils Operable Unit, approximately. **EXCLUDED** will be the Flat and, particularly, the Greeley neighborhood.

EPA has been all over the place on this one. First, the Flat and Greeley was excluded. Next, the Flat and Greeley would be included. No, the Flat and Greeley is not included. No, the Flat and Greeley will be sort of considered. (The EPA has never made clear what this sort of consideration means.) Why can't EPA come out with ONE consistent position that is clearly articulated to the public?

Assuming that this ad represents EPA's final position, I respectfully submit the following:

Any new and last operable unit and any new and last remediation study that purports to be comprehensive that does not include the Greeley Neighborhood represents a serious abrogation of Superfund's purpose in Butte to protect citizens and the environment. (This would appear to be the last opportunity to get a comprehensive investigation of the Flat and Greeley.) No cleanup of Butte can be complete or meaningful if the Greeley Neighborhood is excluded from consideration. The Greeley Neighborhood must be fully addressed and remediated under Superfund.

The boundary between the Priority Soils Operable Unit and the Greeley Neighborhood is arbitrary. It is ludicrous to think that pollution from past mining stops at Continental Drive. Also the Flat area was subjected to the airflow of smelter dust from both smelters in Butte and the Smelter in Anaconda. If Superfund is to fulfill its mission, the Greeley and the Flat must be fully and comprehensively addressed.

Therefore, I request:

1. That the Greeley Neighborhood be made an official unit of the Westside Soils Operable Unit and be afforded a full and complete RI/FS process. At the very, very minimum, EPA should clarify how it intends to investigate and remediate contamination in the Greeley and the Flat.
2. That the RMAP program be officially extended to the Greeley Neighborhood.
3. That the EPA clearly articulates a community involvement plan for the Greeley Neighborhood.
4. That explicit consideration be given to environmental justice concerns in the Greeley Neighborhood.

Dr. John W. Ray